

## **REMARKS**

Applicant submits that this Amendment After Final Rejection places this application in condition for allowance by amending claims in manners that are believed to render all pending claims allowable over the cited art and/or at least place this application in better form for appeal. This Amendment is necessary to clarify certain claim limitations and was not earlier presented because Applicant believed that the prior response(s) placed this application in condition for allowance, for at least the reasons discussed in those responses. Accordingly, entry of the present Amendment, as an earnest attempt to advance prosecution and/or to reduce the number of issues, is requested under 37 C.F.R. §1.116.

In the event that the Office declines to enter the present Amendment, and (i) any portion of the present Amendment would place some of the claims in better form for appeal if a separate paper were filed containing only such amendments or (ii) any proposed amendment to any claim would render that claim allowable, Applicant respectfully requests that the Office inform Applicant of the same pursuant to MPEP §714.13.

By this amendment, the specification and claims 1 and 9 have been amended. Claims 1-13 remain in the application. Support for the amendments can be found the specification and drawings. No new matter has been added. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, withdrawal of the final action, and allowance of the application, as amended, is respectfully requested.

### **Rejection under 35 U.S.C. §103**

Claims 1-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Craven et al. (US 7,193,538, hereinafter "**Craven**"), in view of Thumpudi et al. (PGPUB 2004/0049379, hereinafter "**Thumpudi**"). With respect to claim 1, Applicant respectfully traverses this rejection on the grounds that these references are defective in

establishing a prima facie case of obviousness.

Independent claim 1, as presented, recites, inter alia, "... said encoder being operable *when generating the down-mix output signals for also generating said parametric data* ... said parametric data is specifically configured (i) to allow for subsequent decoding of the down-mix output signals (ii) for predicting signals of channels (iii)(1) processed and (iii)(2) then discarded within the encoder, thereby enabling a subsequent decoding ... to substantially regenerate with enhanced accuracy the corresponding channels previously discarded ... by predicting information of the previously discarded channels *from the down-mix output signals and the parametric data*" (emphasis added). Support for the amendment to claim 1 (as well as for the amendment to claim 9) can be found in the specification at least on page 6, lines 22-32; page 9, lines 25-31; and page 10, lines 1-20 (in particular, page 10, lines 3-6). The amendments are supported by the specification and drawings as originally filed, thus no new matter has been introduced.

Applicant submits that neither **Craven** nor **Thumpudi** discloses at least the aforementioned feature of independent claim 1. In particular, it is submitted that the secondary citation to **Thumpudi** does not remedy the conceded deficiency in the primary citation to **Craven**. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of **Craven** and **Thumpudi** is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office Action concedes that the primary citation to **Craven** does not teach said encoder being operable when generating the down-mix output signals [*for also generating said parametric data, configured*] (i) to allow for subsequent decoding of the down-mix output signals (ii) for predicting (iii)(1) signals of channels processed and (iii)(2) then discarded within the encoder [*thereby enabling a subsequent decoding via a*

*decoder to substantially regenerate with enhanced accuracy the corresponding discarded channels by predicting information of the discarded channels from the down-mix output signals and the parametric data]* (emphasis added) (Office Action, page 4).

Nonetheless, the Office Action rejects independent claim 1, contending that the secondary citation to **Thumpudi** provides this necessary disclosure. (Office Action, pages 4-5). This contention is respectfully traversed.

**Thumpudi** discloses multi-channel audio encoding and decoding using a variety of techniques to improve a quality of multi-channel audio data. **Thumpudi** at paragraph [0123] thereof discloses “an encoder reduces the bitrate associated with transform matrices by selectively using pre-defined matrices or using Givens rotations to parameterize custom transform matrices” (emphasis added). In addition, **Thumpudi** at paragraph [0166] thereof discloses “[t]he tile pattern information may be entropy encoded or otherwise parameterized” and that “[a]lternatively, the decoder (700) uses other techniques to parameterize window patterns in frames” (emphasis added). Furthermore, **Thumpudi** at paragraph [0275] thereof discloses “[i]n some implementations, the encoder parameterizes the matrix using quantized Givens factoring rotations” or alternatively “another parameterization” (emphasis added). Still further, **Thumpudi** at paragraph [0377] expressly teaches that “multi-channel post-processing can be used for many different purposes. For example, the number of decoded channels may be *less than* the number of channels for output (e.g., because the encoder dropped one or more *input channels* or *multi-channel transformed channels* to reduce coding complexity or buffer fullness). If so, a multi-channel post-processing transform can be used to create one or more phantom channels based on actual data in the decoded channels ...” (emphasis added). Accordingly, the **Thumpudi** reference does not provide a disclosure that teaches the aforementioned feature of independent claim 1, nor does **Thumpudi** remedy the aforementioned deficiency in the primary citation to **Craven**.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 1 under 35 U.S.C. §103 are respectfully requested. Claims 2-8 and 11-13 depend from and further limit independent claim 1 and therefore are allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

With respect to claim 9, the same includes similar limitations as found with respect to claim 1. Claim 9 is thus believed allowable over the **Craven** and **Thumpudi** references for at least the reasons stated herein above with respect to overcoming the rejection of claim 1. Accordingly, claim 9 is allowable and an early formal notice thereof is requested. Claim 10 depends from and further limits independent claim 9 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

### **Conclusion**

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of statements characterizing the claims, the Specification, and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

It is clear from all of the foregoing that independent claims 1 and 9 are in condition for allowance. Claims 2-8 and 11-13 depend from and further limit independent claim 1 and therefore are allowable as well. Claim 10 depends from and further limits independent claim 9 and therefore is allowable as well.

Appl. No. 10/599,557  
Response to Final Action of March 23, 2010

**EXPEDITED PROCEDURE**  
**PATENT**  
Docket No.: NL040657US1  
Customer No. 000024737

The matters identified in the Office Action of March 23, 2010 are now believed resolved. Accordingly, the amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. Withdrawal of the final action and issuance of an early formal notice of allowance of claims 1-13 is requested.

Respectfully submitted,

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a-32658.370